

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE

JOSEPH MARTIN THOMAS  
*Debtor*

JOSEPH MARTIN THOMAS  
*Movant*

V.

NO RESPONDENT

Case No. 20-10334-TPA  
Chapter 11

Related to Document No. 18

## ORDER APPROVING RETENTION OF REALTOR

**AND NOW**, this **1st** day of **June, 2020**, upon consideration of the **Motion to Employ Realtor**, it is **ORDERED, ADJUDGED and DECREED** as follows:

(1) **Gary V. Marsh, Marsh Realty Inc., 116 1/2 West Spring Street, Titusville, PA 16354** is hereby appointed, as of the date of filing the *Motion*, as **Realtor** for the Debtor in this bankruptcy proceeding pursuant to the terms described in the Listing Agreement attached to the *Motion* for the purpose of acting as the Movant's agent in connection with the sale of real estate located at **9830 Wattsburg Road, Erie, PA 16509 and Lots 15 and 16 Village Common Drive, Erie, PA 16506, Tax Parcel Index No. 33-123-418.0-034.01**. A realtor commission in the amount of **six (6%) percent** on the sale price is tentatively approved, in regard to the property at 9830 Wattsburg Road and a realtor commission in the amount of **six (6%) percent or a \$10,000 minimum** on the sale price is tentatively approved in regard to the property at Lots 15 and 16 Village Common Drive, Tax Parcel Index No. 33-123-418.0-034.01, subject to final Court order. **Movant shall serve the within Order on all interested parties and file a certificate of service.**

(2) Professional persons or entities performing services in the above case are advised that approval of fees for professional services will be based on other factors as well, including results accomplished, the time and labor reasonably required by the professional to perform the task(s) involved, the customary fee for similar services, the time limitations imposed by the retention or the circumstances encountered while performing the services, the relationship of the services, if any, to the ultimate bid amount for the subject property, and the extent and nature of awards in similar cases. Tentative approval of the commission set forth above is premised on the understanding that the property will be sold at or near the list price as set forth in the *Motion*. Any deviation from the list price will be considered as a factor by the Court in setting final compensation in this matter.

(3) Approval of any motion for appointment of a professional in which certain fees are requested for various identified professionals is not an agreement by the Court to allow such fees at the requested hourly rates, and is not a preapproval of compensation pursuant to *11 U.S.C. §328(a)*. Final compensation, awarded only after notice and hearing, may be more or less than the requested amount based on application of the above criteria.

(4) Notwithstanding anything to the contrary in the letter of engagement or agreement between Movant and the Realtor, this *Order* does not authorize the Realtor to retain or pay any outside counsel or other professional to assist the Realtor in this matter unless such is done at no expense to Movant, directly or indirectly. Any other retention of, and payment to, an outside counsel or other professional is subject to prior approval of the Court.

Thomas P. Agresti, Judge jlm  
United States Bankruptcy Court

**Certificate of Notice Page 2 of 2**  
 United States Bankruptcy Court  
 Western District of Pennsylvania

In re:  
 Joseph Martin Thomas  
 Debtor

Case No. 20-10334-TPA  
 Chapter 11

**CERTIFICATE OF NOTICE**

District/off: 0315-1

User: culy  
 Form ID: pdf900

Page 1 of 1  
 Total Noticed: 2

Date Rcvd: Jun 02, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 04, 2020.

db +Joseph Martin Thomas, c/of Tri-State Pain Institute, 2374 Village Common Drive,  
 Erie, PA 16506-7201  
 r +Gary V. Marsh, Marsh Realty, Inc., 116 1/2 West Spring Street, Titusville, PA 16354-1704

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
 NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jun 04, 2020

Signature: /s/Joseph Speetjens

**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 1, 2020 at the address(es) listed below:

Gary V. Skiba on behalf of Interested Party Tri-State Pain Institute, LLC gskiba@marshlaw.com,  
 DGeniesse@marshlaw.com;rose227@hotmail.com  
 Guy C. Fustine on behalf of Creditor Official Committee of Unsecured Creditors for Tri-State  
 Pain Institute, LLC mwernick@kmgslaw.com, knoxbank@hotmail.com,burban@kmgslaw.com,  
 mpol@kmgslaw.com  
 James Warmbrodt on behalf of Creditor PNC BANK NATIONAL ASSOCIATION bkgroup@kmlawgroup.com  
 Lauren Michaels on behalf of Creditor Office of Attorney General, Department of Revenue  
 lmichaels@attorneygeneral.gov  
 Michael F.J. Romano on behalf of Creditor TIAA Commercial Finance, Inc. mromano@rgalegal.com,  
 tyowell@rgalegal.com;jromano@rgalegal.com  
 Michael P. Kruszewski on behalf of Debtor Joseph Martin Thomas mkruszewski@quinnfirm.com,  
 knottingham@quinnfirm.com;mboni@quinnfirm.com;quinnbankruptcy@gmail.com;mmbquinnbankruptcy@gmail.  
 com;mtrayer@quinnfirm.com;gbebko@quinnfirm.com  
 Norma Hildenbrand, on Behalf of the United States Trustee by on behalf of U.S. Trustee  
 Office of the United States Trustee Norma.L.Hildenbrand@usdoj.gov  
 Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov  
 Salene R.M. Kraemer on behalf of Creditor WELLS FARGO BANK, N.A. skraemer@bernsteinlaw.com,  
 salene@ecf.courtdrive.com

TOTAL: 9